

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
vs.)	Case No. 3:02-cr-44
)	
Michael Sean Gianakos,)	ORDER DENYING MOTION
)	
Defendant.)	

Before the Court is the defendant's motion for reconsideration of the Court's order denying the defendant's motion for an extension of time to file a motion pursuant to 28 U.S.C. § 2255. The defendant had sought an extension of time, up to one year, to file a § 2255 motion. The Antiterrorism and Effective Death Penalty Act (AEDPA) imposes a one-year statute of limitations for pursuing relief under § 2255. The limitations period will likely run on November 28, 2006, although the Court cannot be certain of this as the defendant has not identified his issues. The defendant argues in his current motion that he has only recently received the necessary documents relating to his case and that he is need of more time to file his motion. The defendant now suggests a 60-90 day extension would be sufficient.

Whether the defendant is truly in need of more time to file is of little consequence as the Court, so far as it knows, does not have the power to simply extend the limitations period which Congress enacted. Again, the Court urges the defendant to identify his issues and file his motion as soon as possible. The Court would very likely be willing to grant the defendant a 60-90 day extension of time to file a brief in support of his motion if the motion itself is filed in a timely fashion.

Accordingly, the defendant's motion for reconsideration is hereby **DENIED**.

IT IS SO ORDERED.

Dated this 24th day of October, 2006.

/s/ Patrick A. Conmy
Patrick A. Conmy, Senior District Judge
United States District Court